

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE MINUTES
APRIL 15, 2009**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:10 A.M., in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

MEMBERS PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D., Chairperson
Sandra Anderson Bell, M.D. (arrived at 9:20 a.m.)
Peregrin C. Francisco, R.N., M.S.A.
Florence Jones-Clark, R.N., M.S.

MEMBERS ABSENT: Joyce A. Hahn, Ph.D., APRN, NEA-BC
Jennifer Lee, M.D.
Jane E. Piness, M.D.

ADVISORY COMMITTEE MEMBERS PRESENT: Carola Bruflat, M.S.N., WHNP/FNP
Mary Duggan, M.S., ACNP-BC
Barbara Kirkland, R.N., L.N.P.
Tom Watters, R.N., C.R.N.A.

ADVISORY COMMITTEE MEMBERS ABSENT: Jennifer L. Bennett, M.D.
Peter Boling, M.D.
Steven B. Powers, M.D.
Chip Williams, M.D.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Board of Nursing
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Board of Nursing
Donna M. Lee, Senior Discipline Specialist, Board of Nursing

OTHERS PRESENT: Howard Casway, Senior Assistant Attorney General
Elaine Yeatts, Policy Analyst, Department of Health Professions (arrived at 9:30 a.m.)
William Harp, M.D., Executive Director, Board of Medicine
Tyler Cox, Medical Society of Virginia
Lynne Poole, R.N., L.N.P.

ESTABLISHMENT OF A QUORUM: With three (3) members of the Committee present, a quorum was not established. Ms. Douglas noted Ms. Jones-Clarke had been appointed to serve as a Joint Boards of Nursing and Medicine member this date due to unavailability of regular members.

ORDERING OF
AGENDA:

The agenda was reviewed and ordered.

PUBLIC COMMENT:

No public comments were received at this time.

DISPOSITION OF
MINUTES:

Ms. Douglas stated these minutes provided for review and historical perspective as the last meeting was several months ago.

OLD BUSINESS:

American Psychiatric Nurses Association Certification Exam in Psychiatric Mental Health Nursing:

Ms. Douglas reminded the Committee of prior motion to accept American Psychiatric Nurses Association Certification Exam in Psychiatric Mental Health Nursing contingent upon National Council of State Boards of Nursing's (NCSBN) approval. Ms. Douglas reported that NCSBN had informed the Board that it meets certification criteria. The Board will consider this exam when considering licensed nurse practitioner applications.

(Dr. Belle arrived at meeting)

NEW BUSINESS:

Report of Mid-Year NCSBN meeting, March 2009:

Ms. Douglas commented on the copy of presentation provided at the Mid-Year meeting of NCSBN regarding the consensus model on advanced practices regulations. Ms. Douglas noted that the dialogue between regulators, educators, certifying bodies and accreditation bodies will continue based on the consensus model. Ms. Douglas also noted that this was a national body and individual states were under no obligation to adopt in part or whole.

Legislative and Regulatory Update:

Ms. Yeatts joined the meeting and reported that the regulations governing nurse practitioners related to pain management guidelines were still in the Governor's office awaiting approval. Ms. Yeatts further reported in follow up to the last Joint Boards Meeting that legislation related to nurse practitioner practice was not introduced this general assembly.

Licensed Nurse Practitioner Authority to Write Do Not Resuscitate Orders (DNR):

Ms. Douglas provided a history to the Committee of a previous discussion in October 2007 and consensus by those attending a draft guidance document that authorized nurse practitioners to write Do Not Resuscitate (DNR) orders was reviewed by the Committee. The draft included the requirement that this authority be included in the licensed nurse practitioner protocol.

Ms. Francisco moved to adopt the guidance document authorizing nurse practitioners to write Do Not Resuscitate orders. The recommendation of the Committee of Joint Boards of Nursing and Medicine will be presented to the Board of Nursing and Board of Medicine at their next meetings. The motion was seconded and carried unanimously.

Request for Additional Delegation of Authority to Board of Nursing Discipline Staff:

Ms. Mitchell asked the Committee to consider increase delegation to staff to process disciplinary cases for nurse practitioners to assist with decreasing case resolution time. She reminded the Committee that staff currently had authority to close cases that did not rise to the level of a violation of law or regulation.

Ms. Douglas summarized the current circumstances and approach to delegation by the Board of Nursing, noting that delegation currently was specific to case scenarios/categories. Dr. Harp, Executive Director, Board of Medicine, summarized the current process of delegation by the Board of Medicine. This delegation is broad within the confines of the law and allows staff to move cases forward by offering pre-hearing consent orders, confidential consent agreements and advisory letters.

The Committee then discussed alternative approaches and details of the type of nurse practitioner cases being received.

Dr. Belle moved to delegate to staff the authority to offer pre-hearing consent orders, confidential consent agreements and advisory letters in matters related to nurse practitioners. The motion was seconded and carried unanimously.

Meeting Dates:

The next meeting date will be Wednesday, June 17, 2009.

The business meeting concluded at 10:05.

Consideration of Agency Subordinate Recommendation:

CLOSED MEETING:

Ms. Franciso moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 10:08 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:20 A.M.

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Richard E. Palley, R.N., L.N.P. – 0001-114680, 0024-114680

Mr. Palley did not appear.

Dr. Bell moved to defer the matter of Richard Palley back to the agency subordinate with a request to include more detailed information in Finding of Fact #4 that would support the recommended disposition.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting adjourned at 10:25 A.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Board of Nursing

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
April 15, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:50 A.M. on April 15, 2009, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

BOARD MEMBERS PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D, Vice President
Peregrin C. Francisco, R.N., M.S.A.
Florence Jones-Clarke, R.N., M.S.
Evelyn Lindsay, L.P.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With five members of the Board present, a quorum was established.

FORMAL HEARINGS SCHEDULED: **Alejo Segura, R.N. 0001-203928**
Mr. Segura appeared.

LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Jennifer Challis, Senior Investigator, Department of Health Professions; Angie Lee, former Director of Neurology, CJW Medical Center; Tracey Holloway, Director of Nursing, CJW Medical Center were present and testified.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:02 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Segura. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:26 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved to impose no sanction in the matter of Alejo Segura.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:30 P.M.

RECONVENTION: The Board reconvened at 2:15 P.M.

FORMAL HEARINGS
SCHEDULED:

Suzanne Barrell, R.N. 0001-097263

Ms. Barrell appeared.

LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; Sharon Boyer, Pharmacist, Assistant Director of Pharmacy, University of Virginia Medical Center; Anne Jackson, R.N. University of Virginia Medical Center; Edward Meyers, R.N., University of Virginia Medical Center were present and testified.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:10 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Barrell. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:30 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board suspend the professional nursing license of Suzanne Barrell for a period of not less than two years and until such time as can appear before the Board and provide sufficient evidence that she is safe and competent to resume practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

**FORMAL HEARINGS
SCHEDULED:**

Rebecca Higgins, C.N.A. 1401-117749

Ms. Higgins did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:46 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Higgins. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:57 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters

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lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

Ms Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law presented by Ms. Jones.

Ms. Lindsay moved to indefinitely suspend the right of Rebecca Higgins to renew her nurse aide certificate until such time as she complies with the Board's order entered December 6, 2007 and appears at an informal conference before the Board and provide sufficient evidence that she is safe and competent to resume practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:00 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director